

REMARKS

Claims 11 and 14-17 are pending. Claim 15 has been amended for clarity. The amendment is supported by paragraph [0039] of the publication of the present application, PG Pub 20060251966. No new matter has been added.

The 35 U.S.C. § 103(a) rejections

The following rejections are pending:

- (A) Claims 11, 14 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakayama et al (WO 03/036744) in view of Nissen et al (US 6,341,057 B1); and
- (B) Claims 15 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakayama et al (WO 03/036744) in view of Nissen et al (US 6,341,057 B1), and further in view of Kasuke (JP 08-107047).

The Examiner has modified the previous rejections and now cites Nakayama et al (WO 03/036744). The Examiner relies on US 7,316,864 B2 as an English equivalent of WO 03/036744. Applicants respectfully traverse the rejections.

The Examiner will note that US 7,316,864 B2 is not available as prior art. However, WO 03/036744 is available as prior art under 35 USC 102(a) based on its publication date of May 1, 2003. As such, WO 03/036744 can be antedated by filing a verified English translation of the instant priority document, Application No. 2003-074563 (hereinafter "JP '563") which was filed in Japan on March 18, 2003.

Enclosed herewith is a verified English translation of the instant priority document, JP '563. Applicants respectfully submit that: a) the presently claimed invention has written description support in JP '563; and b) the presently claimed invention is fully enabled by the disclosure in JP '563. For example,

- (1) Claim 11 is supported by claims 4 and 6, and paragraphs [0016] and [0039] of JP '563;
- (2) Claim 14 is supported by claims 5 and 6, paragraph [0019] of JP '563;
- (3) Amended claim 15 is supported by paragraphs [0027] and [0028] of JP '563;
- (4) Claim 16 is supported by paragraphs [0027] and [0031] of JP '563; and

(5) Claim 17 is supported by paragraphs [0027] and [0029] of JP '563.

Moreover, the presently claimed invention is fully enabled by the disclosure in JP '563.

Therefore, WO 03/036744, which published "after" the priority date of the present application, is not prior art to the present invention. Furthermore, the references to Nissen et al. and Kasuke do not each stand alone to teach the present invention. As such, both rejections are rendered **moot**.

Information Disclosure Statement

Applicants filed an IDS on April 23, 2010. However, the Examiner has not returned a signed copy of the SB08 form indicating that the documents cited therein have been considered. The Examiner is respectfully requested to return a signed copy of the April 23, 2010 SB08 form with the next communication to Applicants.

In view of the above amendment, Applicants believe the pending application is in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Garth M. Dahlen, Ph.D., Esq., Reg. No. 43,575, at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,

By 

GARTH M. DAHLEN
USPTO #43,575

Marc S. Weiner

Registration No.: 32,181

BIRCH, STEWART, KOLASCH & BIRCH, LLP

8110 Gatehouse Road

Suite 100 East

P.O. Box 747

Falls Church, Virginia 22040-0747

(703) 205-8000

Attorney for Applicant

Attachment: Verified English Translation of JP 2003-074563